

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-16-08)**  
**AMY AND KIRK ERICKSEN**  
**May 24, 2016**

This is a report to the Flathead County Board of Adjustment regarding a request from Kirk and Amy Ericksen for a Conditional Use Permit to allow for a 'recreational facility, low impact' and 'caretaker's facility' on the subject property and is intended to enable the legal use of the property as a small scale wedding venue. The subject property is located within the Tally/Bissell Zoning District and is zoned 'SAG-10 Suburban Agricultural.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on June 7, 2016 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee

**Board of Adjustment**

This space is reserved for an update regarding the June 7, 2016 Flathead County Board of Adjustment review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Landowner**

Kirk and Amy Ericksen  
555 Twin Bridges Road  
Whitefish, MT 59937

**B. Property Location and Size**

The subject property is located at 561 Twin Bridges Road located west of Whitefish and east of Farm to Market Road. The applicant owns 40 acres consisting of 2, 20 acre lots; the proposed 'caretaker's facility' and 'recreational facility, low impact' will be located on the southern lot, tract 3AB and is approximately 20 acres in size. The northern tract, 3AA also approximately 20 acres in size, is operated as a commercial equestrian center. The property can be legally described as Tract 3AA and 3AB in Section 7, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property (outlined in red)



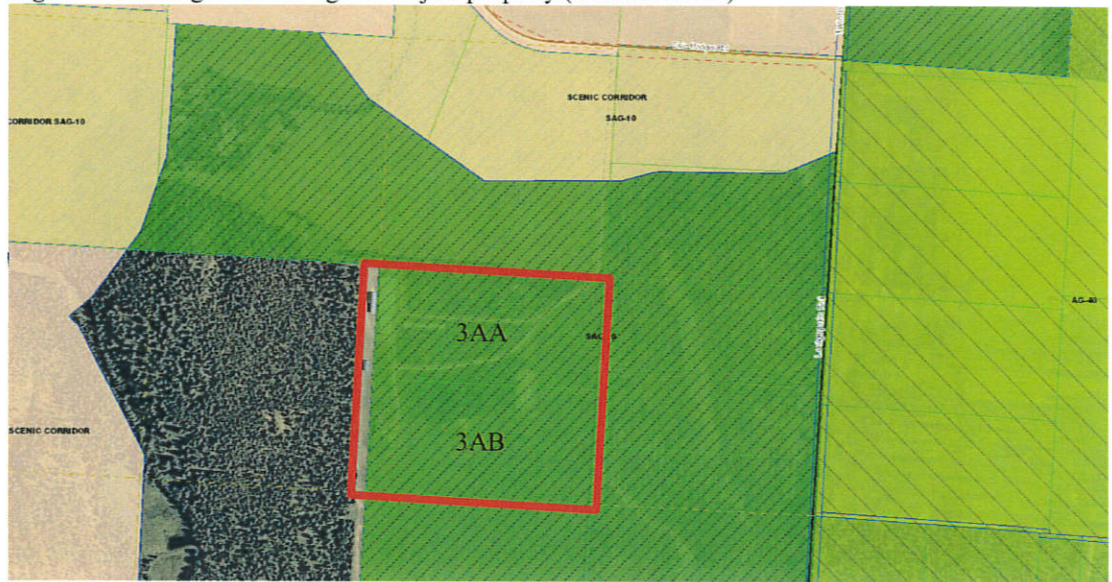
**C. Existing Land Use(s) and Zoning**

The property is located within the Tally/Bissell Zoning District and is zoned ‘SAG – 10 Suburban Agricultural,’ a designation intended to, *“Provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development”* [Section 3.07.010 Flathead County Zoning Regulations (FCZR)]. Tract 3AB is currently developed with a single family residence. Tract 3AA is currently developed with an indoor arena, event center, hay barn, and shed row with 20 stalls. The property is used as an equestrian center, operating under the name Whitefish Equestrian Center and is listed under permitted uses under FCZR 3.07.020 (19 and 20).

**D. Adjacent Land Use(s) and Zoning**

The property directly to the west is approximately 156 acres of forested state trust land and is unzoned. The properties directly to the north, south, and east are zoned SAG-10. The properties to the north, east, and south contain a mix of single family homes and agricultural uses. The applicant states there are only three homes in the general area, with the closest neighbor being approximately a half mile away with buildings and trees between the properties.

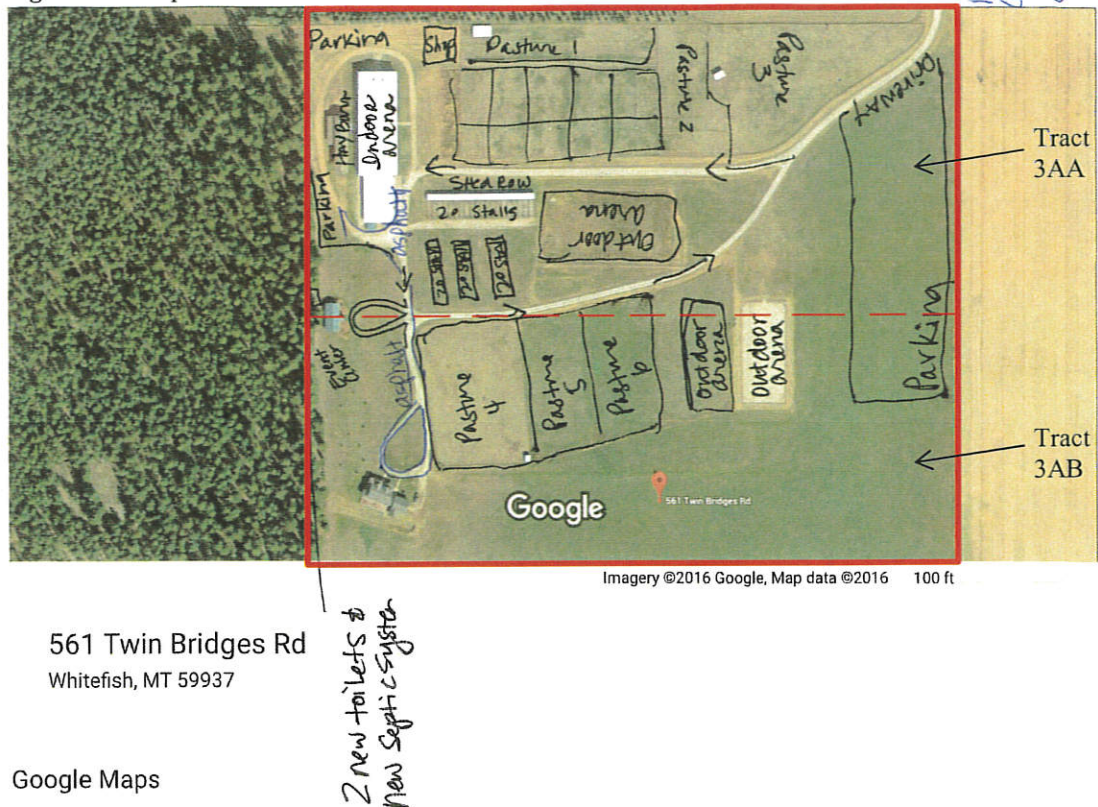
**Figure 2:** Zoning surrounding the subject property (outlined in red)



#### **E. Summary of Request**

The applicant is requesting a Conditional Use Permit for a ‘recreational facility, low impact’, in order to establish a small scale wedding venue, and a ‘caretaker’s facility’ on approximately 20 acres in the SAG-10 zone. The applicant owns 2 lots totaling 40 acres; the proposed recreational facility, low impact and caretaker’s facility for the small scale wedding venue will be primarily located on the southern lot, approximately 20 acres in size but will utilize the event center that is currently located between the two lots (see Figure 3 below). The ceremony area, restrooms and event center which the applicant is proposing to use for wedding receptions will be located on Tract 3AB as a condition of this permit and will require a boundary line adjustment.

Figure 3: Site plan



A recreational facility is defined in FCZR as, “A structure or use of property not otherwise listed in these regulations to accommodate the enjoyment, healthful activities, and leisure of the facility’s users. Such a use may be enclosed by walls and roof (indoor) or an open-air (outdoor) arrangement. Recreational facilities are defined as being either ‘high impact’ or ‘low impact’” [Section 7.17.040 FCZR]. The wedding venue would meet the definition of ‘recreational facility, low impact’ because the use is not otherwise listed in the regulations. A wedding facility would accommodate the enjoyment, healthful activities, and leisure of the facility’s users while staying below the thresholds listed in FCZR with regards to land intensity, traffic generation, visibility, and risk.

The applicant would like to use the subject property as a wedding venue for ceremonies and receptions in accordance with FCZR. ‘Recreational facility, low impact’ is listed as a conditional use and requires a Conditional Use Permit within the SAG-10 zoning [Section 3.07.030(20)]. The applicant is requesting a Conditional Use Permit for wedding facility because the anticipated land intensity, traffic generation, visibility, and risk for the small scale wedding venue is below the threshold and not rated “high” in the categories below [Section 7.17.040].

*If a facility is determined to have a “high” rating in any of these categories, it shall be considered a “high impact” recreation facility.*

1. *Land Intensity – the amount of land necessary to operate the facility.*

*Examples: High impact – golf course, ski area*

*Low impact – archery range, video game arcade*

*Threshold: Facility requires more than twice the “minimum lot size” determined by district classification.*

The property is zoned SAG-10 and the minimum lot size is 10 acres. The applicant is proposing to use part of a 20 acre lot for the wedding facility and the remainder for the caretaker’s facility.

2. *Traffic Generation – the amount of motor vehicle traffic created by use.*

*Examples: High impact – water slide, fairgrounds*

*Low impact – golf driving range, dude ranch*

*Threshold: Traffic greater than or equal to 20 trips per hour at peak hours or 75 trips per day.*

The applicant has stated there will be a maximum of 50 guests per event. This will limit the trips per day to below 75. The applicant also states that the guests that will be using the facility for weddings are primarily family and friends and will likely be limit the amount of trips per hour, limiting the intensity of the traffic over a short time period.

3. *Visibility – the visual impact of the facility; how obvious its presence is.*

*Examples: High impact – water slide, ski area*

*Low impact – dude ranch, day camp*

*Threshold: Structures unusual compared to surrounding uses are visible from adjacent roadways.*

The property is visible from Lodgepole Road but no structures will be unusual compared to surrounding uses. There is an indoor arena on the property to the north measuring approximately 90 feet wide by 380 feet long. The existing event center is 35 feet wide by 54 feet long and matches surrounding in color and style.

4. *Risk – the possibility of danger to adjacent landowners or property.*

*Examples: High impact – zoos, rifle ranges*

*Low impact – bike rental, fishing*

*Threshold: Reasonable chance of danger or damage to nearby property or people.*

The risk associated with the ‘recreational facility, low impact’ is low because the property is set back from both roads with very few neighbors lowering the chance of danger or damage to nearby property or people.

A ‘caretaker’s facility’ is defined as, ‘A dwelling which is constructed and designed to provide living quarters for the caretakers and/or property managers and is clearly subordinate to the principle use with regard to size and location,’ per Section 7.04.025 FCZR. If the ‘caretaker’s facility’ is subordinate to the principle use (low impact recreation facility), there would not be multiple principle uses on the tract on which the dwelling is located. If approved the single family dwelling would become

a caretaker's facility'. It should be noted that the caretaker's facility would continue to be recognized as a single family dwelling.

The applicant is proposing to utilize the existing dwelling as the 'caretaker's facility.' Currently, the tract shown on the site plan where the ceremonies will take place in the field on the same tract on which the single family dwelling is located. Having the single family dwelling and 'recreational facility, low impact' on the same tract would create multiple principle uses on a single tract because the single family dwelling and 'recreational facility, low impact' are principle uses. Per Section 3.03.020(3) of the Flathead County Zoning Regulations (FCZR), *'only one principle uses shall be allowed per tract of record in the following zones; AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 through R-5, RA-1 and B-1.'* Multiple principle uses are not allowed in the SAG-10 zone. Therefore the applicant is also applying for a conditional use permit for a 'caretaker's facility.'

The placement of a 'recreational facility, low impact' for a wedding facility in a SAG-10 zone requires the issuance of a Conditional Use Permit and a 'caretaker's facility' in SAG-10 requires the issuance of an administrative Conditional Use Permit, the review of both are subject to specific guidelines outlined in Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit. This staff report is a review of the applicants request for a Conditional Use Permit to allow for a 'caretaker's facility' and a 'recreational facility, low impact' for a small scale wedding venue on the property.

Identified on the site plan is the location of future restroom facilities for the guests. The restrooms will be attached to the western side of the event center that is already constructed. Currently, the event center is located on the property line between Tracts 3AB and 3AA, if the conditional use permit is granted, a boundary line adjustment will be necessary to bring the event center fully onto the subject property and adhere to setback requirements outlined in Section 3.07.040 FCZR. The applicants have volunteered to limit the total number of guest to no more than 50 if the Board of Adjustments approves this request.

#### **F. Compliance With Public Notice Requirements**

Notification was mailed to property owners within 150 feet of the subject property on May 20, 2016, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the May 22nd, 2016 edition of the Daily Interlake.

#### **G. Agency Referrals**

Referrals were sent to the following agencies on May 4, 2016:

- Flathead County Road and Bridge Department
  - Reason: The property is located on a county road, and has the potential to impact county facilities.
- Flathead County Solid Waste (FCSW)
  - Reason: The property is located within the department's jurisdiction, and has the potential to impact county facilities.
- Whitefish Fire Department

- Reason: The property is located within the department's jurisdiction, and has the potential to impact Whitefish Fire Department response.
- Flathead City-County Environmental Health Department
  - Reason: The property is located within the department's jurisdiction.
- Flathead County Weeds and Parks Department
  - Reason: The property is located within the department's jurisdiction and new construction could lead to the development of weeds on the subject property.
- State Building Department
  - Reason: The applicant is proposing to use an existing building for receptions, and modification may be required to meet state building codes for a commercial structure.
- Bonneville Power Administration
  - Reason: The BPA has requested a copy of all agency referrals.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

This office has received no public comments to date regarding this request. It is anticipated any individual wishing to provide additional public comment on the proposal will do so during the Board of Adjustments public hearing scheduled for June 7, 2016. Any written comments received following the completion of this report will be provided to the Board of Adjustment public hearing and summarized during the public hearings.

#### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
  - Comment: "BPA does not have any objections to the approval of this request at this time." Email dated May 13, 2016.
- Flathead County Environmental Health Department
  - Comment: "We have no objection to the issuance of the Conditional Use Permit. Expanded service for the "recreation facility" and "caretakers' facility" will require permanent onsite water and wastewater disposal facilities. Due to the size of the parcel, review and approval of these facilities are conducted directly with Flathead County Environmental Health Services. If the facilities serve 25 or more people more than 60 days a year, the facilities are public and must obtain approval through Montana Department of Environmental Quality." Letter dated May 20, 2016.
- Flathead County Road and Bridge Departments
  - Comment: "The County Road Department does not have any comments on this request." Letter dated May 9, 2016
- Flathead Solid Waste District
  - Comment: "The District views no negative impact with solid waste issues at this time. If the conditional use permit is granted any solid waste generated at the proposed location will need to be hauled by a private hauler to the landfill. Allied Waste is the licensed (PSC) Public Service

Commission licensed hauler in this area.” Letter dated May 5, 2016

- Montana Department of Labor and Industry – Building Codes Bureau
  - Comment: “It is determined that the location identified at the address ..... is within the jurisdiction of the Building Codes Bureau at the Department of Labor and Industry. As such, applicable permits are required.” Letter dated May 17, 2016

#### **IV. CRITERIA REQUIRED FOR CONSIDERATION**

In Section 2.06.090 of the Flathead County Zoning Regulations, “*The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the Board of Adjustment. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of Adjustment and a refusal is not a denial of a right, conditional or otherwise.*” Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows is an evaluation based on the criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

##### **A. Site Suitability**

###### **i. Adequate Usable Space**

In the ‘SAG-10’ zone, the minimum lot size is 10 acres. The subject property consists of a tract greater than to 10 acres in size. The total area of tract 3AB is approximately 20 acres in size. Tract 3AB contains the house which the applicant is proposing as the ‘caretaker’s facility,’ and the proposed parking area. The event center is located on the boundary of the Tracts 3AB and 3AA with portions of the event center on both lots.

The bulk and dimensional requirements of the SAG-10 zone list maximum building height, setbacks and permitted lot coverage. The permitted maximum lot coverage is listed as ‘20%’. Tract 3AB, has the proposed ‘caretaker’s facility’ and a portion of the event center, and is approximately 20 acres in size. The future ‘caretaker’s facility’ has a foot print of approximately 2,500 square feet, the event center has a footprint of approximately 1,890 square feet, and the proposed restrooms, attached to the event center will add 60 square feet, making the new total 1,950 square feet. The three buildings will cover less than 1% of Tract 3AB, and appears to be adequate usable space on the tract for outdoor weddings as the proposed lot coverage is considerably under the permitted lot coverage of 20% for uses in a SAG-10 zone.

The applicant is installing a new septic field and restrooms. As a condition of this permit, the restroom facilities will be required to be located on Tract 3AB. There appears to be ample usable space on the property for all of the proposed uses.

The site plan indicates the parking area will be located on the eastern portion of the property and does not clearly outline the total area of the parking area. There are numerous parking areas throughout the property. The applicant states that the combined parking areas can accommodate up to 300 cars (currently used for equestrian events) and would be adequate to accommodate the ‘recreational facility, low impact’ with no more than 50 guests. The applicants

also propose the parking area will remain grass with adequate dust control measures in place.

**Figure 7:** Parking area on eastern edge of Tract 3AB



**Figure 8:** Parking area on northwestern edge of Tract 3AA



The setbacks for a principal structure within the SAG-10 zoning are 20 feet from all property boundaries and the setbacks for accessory structures within the SAG-10 zoning are 20 feet for front and side corner and 5 feet for side and rear property boundaries. The event center does not appear to meet the setback requirements. As a condition of the permit, a boundary line adjustment will be required and can address the setback requirements. It appears there is adequate usable space to accommodate the proposed uses on the property.

**Figure 9:** “Event Center” showing current property line



**Finding #1** – Tract 3AB does have adequate usable space for the proposed ‘recreation facility, low impact’ and a ‘caretaker’s facility’ because the subject property consists of a tract greater than to 10 acres in size, the minimum lot size for SAG-10.

**Finding #2** – The proposed ‘recreation facility, low impact’ and ‘caretaker’s facility’ does meet the permitted lot coverage but does not meet the setback requirements in a SAG-10 zone because the event center is located on the property line between Tracts 3AA and 3AB but can be remedied by the requirement of a boundary line adjustment as a condition of the permit.

**ii. Adequate Access**

The subject property is located on a private driveway within a 60 foot easement from Twin Bridges Road, a 24 foot wide, paved two lane collector road. The subject property is accessed from a 20-22 foot wide private driveway crossing the two lots to the north, including Tract 3AA. The private driveway turns into a one-way road on Tract 3AA with signs directing drivers entering and exiting (see figure 3). The private driveway is mostly unpaved until the property line between Tract 3AA and 3AB where it is paved to the equestrian center to the north and the proposed ‘caretakers facility’ to the south.

The proposed low impact recreation facility will use the same access within the 60 foot easement, crossing the two lots to the north. The current equestrian center located on Tract 3AA also currently uses this access.

Outlined in Section 6.16 FCZR are street and roadway standards for “access to businesses, service stations, roadside stands, public parking lots and all other business requiring motor vehicle access shall meet the requirements as hereinafter provided or as applicable of the Montana Department of Transportation or Flathead County Road and Bridge Department (whichever requirements are more stringent).” According to the standards “No roadway shall be less than 10 feet wide for one-way traffic, or 20 feet wide for two-way

traffic” [FCZR 6.16.020(3)]. The required 20 foot wide roadway for two way traffic appears to be met.

**Figure 10:** Private driveway accessing the subject property



**Finding #3** – It appears the proposed use appears to have adequate access because the private driveway is 20-22 feet wide and a minimum of 20 foot width is required to accommodate two-way traffic and a minimum of 10 foot width is required to accommodate one-way traffic for the minimum required for a business.

**iii. Absence of Environmental Constraints**

The subject property is relatively flat with no significant elevation changes. The subject property is primarily open space, with trees to the west and is covered in grass. The subject property is located on FEMA FIRM panel 30029C 1065J and the lot is located in an un-shaded Zone X which is classified as an area outside the 500-year floodplain. There does not appear to be any wetlands, streams, or creeks located on the parcel, and no other environmental constraints. There are no apparent environmental constraints that would affect the proposed use.

**Finding #4** – The subject property appears to have no environmental constraints because the property is flat, not located in a 100 year floodplain, and no wetlands, streams or creeks that would limit the suitability of the property for the proposed use.

**B. Appropriateness of Design**

**i. Parking Scheme**

Section 6.01.010 [FCZR] indicates a parking space for standard vehicles measures 9 X 20 feet. The subsequent proposed parking area for 48 vehicles would be approximately 8,600 square feet.

The closest uses listed in the parking regulations to a wedding facility are listed under ‘Convention and meeting facilities, sole use’ found in Section 6.03.050

FCZR and 'Auditoriums, theaters, churches or other places of assembly' [Section 6.06.07]. Both uses require 1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater. As the event center will be approximately 1,950 square feet when the bathrooms are completed, a total of 48 parking spaces seem unreasonable considering the maximum number of guests at each wedding will be 50. The subject property does have the adequate space for the required 48 parking spaces or 8,600 square feet.

The site plan does not show demarcated parking spaces. Off-street parking is addressed in Section 6.14.010 of FCZR and says "All parking surfaces must be designated properly by painted lines or other methods of demarcation." Paving is not required in business zones and therefore not required for this use however, dust abatement will be required.

Two parking spaces per dwelling unit are required per Section 6.02 FCZR. Because the 'caretaker's facility' is defined as a dwelling, per Section 7.04.010 FCZR, two parking spaces are required for the 'caretaker's facility.' The 'caretaker's facility' has a two-car garage.

**Finding #5** – The parking appears acceptable because the parking area allows for approximately 48 spaces that would be required, and the 'caretaker's facility' contains a two-car garage, providing sufficient parking. Parking and traffic surfaces can be required to be treated with dust abatement measures prior to each event.

### **Traffic Circulation**

The site is accessed from an unpaved private driveway within a 60 foot easement from Twin Bridges Road. The private driveway is unpaved, 20-22 foot wide, and gravel. There is a paved portion of the driveway along the property line between Tracts 3AA and 3AB approaching the event center and the proposed 'caretaker's facility.' The unpaved portion of the driveway crosses the two lots to the north, including Tract 3AA. Ingress and egress to the 'recreational facility, low impact' will be via the private driveway mentioned above via Twin Bridges Road. As stated above FCZR Section 6.16.020(3) requires a minimum road width of 20 foot for two-way traffic accessing a business.

The 'caretaker's facility' is accessed via a 20 foot wide paved driveway with a loop at the end which provides an area for vehicles to turn around. The site plan indicates the parking area extends off of the driveway and has ample space for parking and traffic circulation.

**Finding #6** – The traffic circulation appears to be adequate for the proposed use because the approaches and traffic aisles can be required to meet standards set forth in Appendix A [FCZR] regarding parking spaces and traffic aisle dimensions and demarcation.

**ii. Open Space**

The subject property is approximately 20 acres in size and is currently developed as residential with a single-family dwelling with an attached garage and a part of an event center. The existing single-family dwelling covers approximately 2,500 square foot including the garage. The event center that partially on the property will be 1,950 square feet when the restrooms are added. The permitted lot coverage in the SAG-10 zone is 20%. The total proposed lot coverage of the subject property is approximately 4,450 square foot or .51 percent.

**Finding #7** – There appears to be sufficient open space because the total proposed lot coverage is approximately .051 percent, leaving over 99% of the property as open space.

**iii. Fencing/Screening**

The subject property is primarily open space with a large, mature tree line to the south and west with a thin tree line to the north. There is no screening to the east but the location of the property is set well off of the road and the buildings associated with the ‘recreation facility, low impact’ and the ‘caretaker’s facility’ are not out of the ordinary with the surrounding neighborhood.

**Figure 6:** Current screening on the property



**iv. Landscaping**

There are currently trees located along the west and south edges of the subject property; most of the property is open space. Neither the 'recreational facility, low impact' nor the 'caretaker's facility' has specific landscaping requirements. The applicant is not proposing any additional landscaping on the property.

**Finding #8** – The current fencing/screening and landscaping on the subject property does appear adequate because the location of the property is set a reasonable distance from the road to the east, the only border without fencing/screening.

**v. Signage**

Currently the property has no signage marking the entrance, there are however mailboxes marking the address to the property. The application states "we have appropriate signage for location, parking, restrooms, etc." The applicant has indicated that more signage is desired to appropriately locate the property all signage both onsite and off will be required to meet the standards outlined in FCZR Section 5.11.

**Lighting**

The application indicates there is a large light pole in the driveway near the house, three flood lights on the event center, and commercial lights on the row or sheds as well as the indoor arena that light up the surrounding area.

**Finding #9** – The proposed 'recreational facility, low impact' and 'caretaker's facility' appears to have adequate lighting because there is sufficient lighting currently for a single family dwelling and the lighting from the equestrian center on the adjacent lot also lights the subject property.

**C. Availability of Public Services and Facilities**

**i. Sewer**

The applicant is in the process of installing restrooms in the event center, located between Tracts 3AB and 3AA. There is currently a septic system in place for the 'caretaker's facility' and there will be a separate septic system for the event center. The applicants have already received a septic permit from Flathead County Environmental Health and the new septic system is expected to be in place before any weddings take place.

**ii. Water**

On the subject property there is a private well that the applicant states will be appropriate for the current uses of the property and the proposed 'recreational facility, low impact.'

**Storm Water Drainage**

Storm water drainage is proposed to be managed on-site and is currently managed through soil absorption. The application states, "We have a professional contractor for all water reclamation and diversion." According to the applicant, Arrow Head Construction is the professional contractor in charge of these services

**Finding #10** – Existing sewer, water and storm drainage services appears to be adequate because there is permanent onsite water and will be permanent wastewater disposal facilities on the subject property before any weddings would take place and can work with Flathead County Health Department for Montana Department of Environmental Quality approval if they to serve 25 or more people more than 60 days a year.

**iii. Fire Protection**

The subject property is currently served by the Whitefish Rural Fire Department. The nearest fire station is located in the City of Whitefish, approximately 8.3 miles northeast of the subject property. The location of the property off of Twin Bridges Road and it's relativity to Hwy 93, response times in the event of an emergency would not be unreasonably long.

**Finding #11** – The proposed uses appear to have minimal acceptable impacts on public services and facilities because the applicant would limit the number of guests but the event center needs to be inspected by a state building inspector who will indicate the occupancy rate.

**iv. Police Protection**

The subject property is within the jurisdiction of and currently served by the Flathead County Sheriff's Department. Delayed response times may be anticipated in the event of an emergency due to the property's location in a rural area of the County.

**v. Streets**

The subject property is accessed via a private driveway off of Twin Bridges Road. Twin Bridges Road is a 24 foot wide paved two lane county collector and is maintained by the Flathead County Road and Bridge Department. County collectors have a higher carrying capacity than local and private roads.

**Finding #12** – The proposed uses appear to have acceptable impacts on public services and facilities because the Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is legally accessed by a private driveway via Twin Bridges Road, a paved county collector.

**D. Immediate Neighborhood Impact**

**i. Excessive Traffic Generation**

The subject property is accessed from a private driveway off of Twin Bridges Road. The subject property is located on a private driveway, a 20-22 foot wide gravel road within a 60 foot private road and utility easement. Twin Bridges Road is a 24 foot wide, paved two lane county collector. Comment received from the Flathead County Road and Bridge Department states, "At this point the County Road Department does not have any comments on this request."

The traffic generated by the proposed 'caretaker's facility' would be approximately 10 vehicle trips per day based on standard trip generation calculations for single family residences. Therefore it is assumed that the

average daily trips on the private driveway are currently 10, typical of residential conditions.

Staff utilizes Institute of Transportation Engineers (ITE) Trip Generation Manual 5<sup>th</sup> Edition to calculate approximate average daily traffic generated by a proposed use. Staff was unable to find a similar use to the 'recreational facility, low impact' in the manual to use as a basis for a calculation of average daily trips.

If each vehicle averaged two passengers per event, this would translate into approximately 25 vehicles traveling to and from the property, or 50 total vehicle trips per event. Additional traffic would most likely be generated by other service providers coming to and from the property leading up to as well as after a scheduled event.

It is likely that traffic generated by the proposed use would have the greatest impact on traffic when guests arrive for the event primarily because there would be a scheduled starting time. It is much less likely that there would be a potential impact as guests leave the event.

**Finding #13** – Traffic generated by the proposed 'recreational facility, low impact' and 'caretaker's facility' appear not to have an adverse impact on the immediate neighborhood because the trips generated by the uses would not be out of character with the current suburban agricultural area.

## **ii. Noise or Vibration**

It is not anticipated that the 'caretaker's facility' would generate any excess noise or vibrations out of character for a residential area because the caretaker's facility is residential.

There is a possibility that the 'recreational facility, low impact' could generate minimal excess noise or vibrations out of character for the residential area but is remedied by appropriate hours and a limit of 50 guests per event.

**Finding #14** – The noise and vibrations generated by the proposed 'caretaker's facility' are not inappropriate because the residence is not out of character with the neighborhood.

**Finding #15** – The noise and vibrations generated by the proposed wedding facility has the potential to be a nuisance and adversely impact the immediate neighborhood because of the nature of the events (large celebrations) but can be mediated by limiting the hours of operation and number of guests.

## **iii. Dust, Glare or Heat**

Excessive glare or heat is not anticipated with the addition of the 'caretaker's facility' and wedding facility. The proposed 'caretaker's facility' is accessed via an unpaved driveway and dust is unlikely to be generated from that use. The parking area and driveway for the proposed wedding facility is unpaved and has the potential to generate dust.

The application states, "We would not be producing more than usual amount of dust. No glare or excess heat." Potential dust generated by traffic on the grass

fields will be mitigated by watering the area in dry weather before any event. The applicant has stated in supplemental information that “there is water available at all points of the driveway. With the use of sprinklers, hoses and water trucks we should have little issue with dust.”

**iv. Smoke, Fumes, Gas, or Odors**

The application states, “We will not create any smoke, fumes, gas or other odors.” It is not anticipated that the proposed uses will generate any smoke, fumes, gas, or odors not typical of a single family residence.

**v. Inappropriate Hours of Operation**

Hours of operation are not applicable for the proposed ‘caretaker’s facility’ because it is a residential use. Imposing hours of operation may be appropriate for the ‘recreational facility, low impact’ because it is adjacent to neighboring residential uses. The application states, “We will operate only within reasonable hours.”

**Finding #16** – The hours of operation are not expected to have an adverse impact on the surrounding neighborhood because of the limited number or guests, location of the event center and applicants willingness to operate only during appropriate hours.

**V. SUMMARY OF FINDINGS**

1. Tract 3AB does have adequate usable space for the proposed ‘recreation facility, low impact’ and a ‘caretaker’s facility’ because the subject property consists of a tract greater than to 10 acres in size, the minimum lot size for SAG-10.
2. The proposed ‘recreation facility, low impact’ and ‘caretaker’s facility’ does meet the permitted lot coverage but does not meet the setback requirements in a SAG-10 zone because the event center is located on the property line between Tracts 3AA and 3AB but can be remedied by the requirement of a boundary line adjustment as a condition of the permit.
3. It appears the proposed use appears to have adequate access because the private driveway is 20-22 feet wide and a minimum of 20 foot width is required to accommodate two-way traffic and a minimum of 10 foot width is required to accommodate one-way traffic for the minimum required for a business.
4. The subject property appears to have no environmental constraints because the property is flat, not located in a 100 year floodplain, and no wetlands, streams or creeks that would limit the suitability of the property for the proposed use.
5. The parking appears acceptable because the parking area allows for approximately 48 spaces that would be required, and the ‘caretaker’s facility’ contains a one-car garage and sufficient parking in the driveway. Parking and traffic surfaces can be required to be treated with dust abatement measures prior to each event.
6. The traffic circulation appears to be adequate for the proposed use because the approaches and traffic aisles can be required to meet standards set forth in Appendix A [FCZR] regarding parking spaces and traffic aisle dimensions and demarcation.
7. There appears to be sufficient open space because the total proposed lot coverage is approximately .051 percent, leaving over 99% of the property as open space.

8. The current fencing/screening and landscaping on the subject property does appear adequate because the location of the property is set a reasonable distance from the road to the east, the only border without fencing/screening.
9. The proposed 'recreational facility, low impact' and 'caretaker's facility' appears to have adequate lighting because there is sufficient lighting currently for a single family dwelling and the lighting from the equestrian center on the adjacent lot also lights the subject property.
10. Existing sewer, water and storm drainage services appears to be adequate because there is permanent onsite water and will be permanent wastewater disposal facilities on the subject property before any weddings would take place and can work with Flathead County Health Department for Montana Department of Environmental Quality approval if they to serve 25 or more people more than 60 days a year.
11. The proposed uses appear to have minimal acceptable impacts on public services and facilities because the applicant would limit the number of guests but the event center needs to be inspected by a state building inspector who will indicate the occupancy rate.
12. The proposed uses appear to have acceptable impacts on public services and facilities because the Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is legally accessed by a private road via Twin Bridges Road, a paved county collector.
13. Traffic generated by the proposed 'caretaker's facility' appears to not have an adverse impact on the immediate neighborhood because the 10 trips generated by the use would not be out of character with the suburban agricultural area.
14. The noise and vibrations generated by the proposed 'caretaker's facility' are not inappropriate because the residence is not out of character with the neighborhood.
15. The noise and vibrations generated by the proposed wedding facility has the potential to be a nuisance and adversely impact the immediate neighborhood because of the nature of the events (large celebrations) but can be mediated by limiting the hours of operation and number of guests.
16. The hours of operation are not expected to have an adverse impact on the surrounding neighborhood because of the limited number or guests, location of the event center and appropriate hours of operation.

## **VI. CONCLUSION**

Upon review of this application, the request to allow for a 'recreational facility, low impact' (small wedding venue) and 'caretaker's facility' on the subject property is supported by most but not all of the review criteria and the Findings of Fact listed above. According to Section 2.06.100 of the Flathead County Zoning Regulations, *"Every decision of the Board of Adjustment pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based on upon the 'Findings of Fact' and every Finding of Fact shall be supported in the records of its proceedings."*

If the Flathead County Board of Adjustment chooses to adopt staff report FCU-16-08 as Findings of Fact and approve the Conditional Use Permit, then based on public comments and board discussion the following draft conditions could ensure appropriate measures to mitigate impacts.

## **VII. CONDITIONS**

1. Construction of the wedding facility as a 'recreational facility, low impact' and 'caretaker's facility' on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The approved use shall conform to the applicable standards of the SAG-10 Suburban Agricultural zoning designation [FCZR Section 3.07].
4. The applicant shall limit the number of guests for wedding events to 50 guests to reduce impacts from traffic generated by the 'recreational facility, low impact.'
5. The subject property shall have a minimum of 48 parking spaces to accommodate the vehicles generated by the proposed use in accordance with the applicable zoning regulations [FCZR Section(s) 6.01.020 and 6.02.030].
6. All vehicular access for the 'recreational facility, low impact' including internal traffic circulation areas, and parking areas shall be clearly established and demarcated through the use of materials appropriate for events in a rural setting in compliance with all applicable provisions of Chapter VI and Appendix A of the Flathead County Zoning Regulations.
7. The applicant shall adhere to all applicable Montana State commercial building requirements as required by the Montana Bureau of Labor and Industry. Copies of the approved permits, applicable inspection reports, and certificates of occupancy for the event center shall be submitted to the Flathead County Planning and Zoning office before any events take place.
8. The applicant shall adhere to all requirements at the Whitefish Fire Department in regard to fire safety and facility access as cited in the application and discussed in the evaluation of the conditional use permit request.
9. The 'recreational facility, low impact' shall be reviewed by the Flathead City-County Department of Environmental Health and Montana Department of Environmental Quality if the 'recreational facility, low impact' serves 25 or more people more than 60 days a year. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
10. Applicant shall be required to construct bathroom facilities on the Tract 3AB for the 'recreational facility, low impact' in accordance with Flathead City-County Department of Environmental Health and the State Building code.
11. A Boundary Line Adjustment shall be recorded with the Flathead County Clerk and Records Office to include the 'Event Center' on Tract 3AB in order to comply with Section 3.03.020(3) of the Flathead County Zoning Regulations.
12. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 and meet the definition set forth in Section 7.18.060 of the Flathead County Zoning Regulations.
13. All lighting on the subject property shall be shielded or hooded in accordance with the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
14. The parking site shall incorporate the frequent use of dust control techniques in compliance with applicable Flathead County Air Quality Regulations. Event operators shall be

responsible for frequent watering of the ingress/egress locations, internal traffic circulation areas, and parking areas in conjunction with each wedding event, as conditions warrant.

15. The Conditional Use Permit shall terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
16. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: KN